

In the Court of Appeals of the State of Alaska

Airjetis Espinal,
a/k/a Airjelis Espinal,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-14074**

Order

Motion to Withdraw as Counsel for
Appellant

Date of Order: **1/23/2023**

Trial Court Case No. **3AN-15-04774CI**

Attorney Jason Weiner currently represents the appellant, Airjetis Espinal, in this appeal. This matter is an appeal from the denial of Mr. Espinal's first application from post-conviction relief related to superior court case number 3AN-07-00721CR. Jason Weiner, on behalf of Mr. Espinal, has already filed the opening appeal documents that are required under Appellate Rule 204(b), including a statement of points on appeal and a designation of transcript. Jason Weiner has now filed a motion to withdraw as counsel on the grounds that his appointment as counsel in the superior court does not cover work on this appeal, and he has asked that the Court appoint different counsel at public expense to represent Mr. Espinal.

From the underlying record, it appears that the Alaska Public Defender Agency has a conflict of interest and is unable to represent Mr. Espinal on appeal due to claims of ineffective assistance of counsel by Mr. Espinal's attorney in a previous related appeal in case number A-10735 (Memorandum Opinion No. 5997, 12/11/2013). When the Public Defender Agency is unable to represent an appellant because of a conflict of interest, representing the appellant becomes the responsibility of the Office of Public Advocacy.

Accordingly, **IT IS ORDERED:**

Espinal v. State – p. 2
File No. A-14074
1/23/2023

1. The motion to allow Jason Weiner to withdraw as counsel from this appeal is **GRANTED**.

2. The Office of Public Advocacy is appointed to represent Mr. Espinal in this appeal. That office shall assign an attorney to represent Mr. Espinal and shall direct that attorney to promptly file an entry of appearance. If necessary, the Office of Public Advocacy shall contract with an attorney to represent Mr. Espinal in this appeal.

3. Mr. Espinal's new attorney at the Office of Public Advocacy may move to amend the statement of points on appeal and the designation of transcript, if necessary.

4. The Appellate Clerk's Office will provide the Office of Public Advocacy with a copy of this order and the pleadings filed to date.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Office of Public Advocacy

Distribution:

Email:
Weiner, Jason A., Court under Rule 12
Freitag, Seneca Theno